



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

STEVEN H. HILFINGER
DIRECTOR

MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan
AGENDA
April 13, 2011
10:00 a.m.

1. Call to Order and Determination of Quorum
2. Approval of Agenda (Pages 1-2)
3. Approval of Minutes — February 16, 2011 (Pages 3-28)
4. Manufactured Housing Commission Fees Financial Report (Provided @ meeting)
5. Public Comment [If issues are raised during public comment which require a response, the Commission's Executive Director will respond and Commissioners who wish to comment will make their comments after the Executive Director's response. The Commission will not allow public comment about the substance of open or closed complaints (unless, if regarding a closed complaint, the right to appeal is waived) but will allow public comment about procedural issues related to complaints. Public comment will be limited to 10 minutes for an individual representing an organization and 6 minutes for an individual not representing an organization; the Commission chairperson may grant the individual an additional 10 minutes.]

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Brenda Caron at (517) 241-9317 at least 10 work days before the event. DELEG is an equal opportunity employer/program.

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1

6. Imposition of Penalties
7. Variances
8. Committee Reports
9. Unfinished Business
 - a. Update on Arbor Village LLC and Terry Winter, Member and Operator
10. New Business
 - a. Report on Annual Inspections of Manufactured Home Communities
 - b. License Approval (Handout provided @ meeting)
11. Executive Director's Report
12. Other Business
13. Adjournment



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

ANDREW S. LEVIN
ACTING DIRECTOR

MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan

MINUTES — DRAFT
February 16, 2011
10:00 a.m.

MEMBERS PRESENT

Mr. Ronald Blank, Chairperson
Ms. Carole Elliott
Mr. David Hagey

Mr. Peter Hennard
Mr. Thomas Leduc
Mr. Mark Raukar

MEMBERS ABSENT

Ms. Brenda Abbey — Excused
Ms. Patricia Newman — Excused
Mr. Jerome Ruggirello — Excused

MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH PERSONNEL
ATTENDING

Ms. Beth Aben, Deputy Director, Bureau of Construction Codes (BCC)
Mr. Larry Lehman, Chief, Building Division, BCC
Mr. Charles Curtis, Asst. Chief, Building Division, BCC
Ms. Brenda Caron, Executive Secretary, Building Division, BCC
Mr. Gerrit Bakker, Departmental Analyst, Building Division, BCC
Ms. Tracie Pack, Departmental Analyst, Building Division, BCC
Mr. Dave Vigas, Director, Office of Management Services (OMS), BCC
Ms. LeeAnn Allaire, Departmental Analyst, OMS, BCC

OTHERS IN ATTENDANCE

Mr. Michael Bertakis – Bertakis Development, Inc.
Mr. Gerald Burton – LA Group, LLC
Mr. Tim DeWitt – MMHA
Mr. John Fiero – Kline Krest MHC
Mr. Larry Kline – Kline Krest MHC
Ms. Suzanne Miller – MOLA & Arbor Meadows
Mr. Daniel Thom – Whispering Oaks MHP

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3

1. **CALL TO ORDER AND DETERMINATION OF QUORUM**

The meeting was called to order at approximately 10:04 a.m. by Chairperson Blank. A quorum was determined to be present at that time.

2. **APPROVAL OF THE AGENDA**

Mr. Lehman requested that the Commission table Agenda Item “6. a. Arbor Village LLC and Terry Winter, Member and Operator” under “Imposition of Penalties” based upon subsequent information recently received that the park had been in receivership and sold a couple of times that we were unaware of. We are not sure the mailing was due and proper. We believe it would be appropriate at this point in time to table this item until the next meeting.

A **MOTION** was made by Commissioner Hagey and supported by Commissioner Elliott to amend the Agenda. **MOTION CARRIED.**

A **MOTION** was made by Commissioner Hagey and supported by Commissioner Leduc to approve the amended Agenda. **MOTION CARRIED.**

****Addendum 1

3. **APPROVAL OF MINUTES**

A **MOTION** was made by Commissioner Hennard and supported by Commissioner Hagey to approve the minutes of the December 15, 2010, meeting. **MOTION CARRIED.**

****Addendum 2

4. **MANUFACTURED HOUSING COMMISSION FEES FINANCIAL REPORT**

Ms. Allaire reviewed the Manufactured Housing Commission Fees Financial Report for the 1st Quarter of FY 2011 and answered any questions.

5. **PUBLIC COMMENT**

No one from the public asked to speak.

6. **IMPOSITION OF PENALTIES**

In the matter of Arbor Village LLC and Terry Winter, Member and Operator

See motion made under Agenda Item “2. Approval of the Agenda.”

7. **VARIANCES**

Hidden River South (Lenawee County)

Mr. Bertakis was present to represent the community.

Mr. Bakker reviewed the request.

After discussion, a **MOTION** was made by Commissioner Elliott and supported by Commissioner Hennard to approve the request for a variance to Rule 905(5), pursuant to Section R125.2318(5) of 1987 PA 96, as amended, MCL 125.2318(5), by granting a 5 year extension to the expired permit to construct, thereby extending Permit to Construct No. 96018 from December 17, 2007 to December 17, 2012. **MOTION CARRIED.**

****Addendum 3

Kline Krest Manufactured Housing Community (Ionia County)

Mr. Kline and Mr. Fiero were present to represent the community.

Mr. Bakker reviewed the request.

After discussion, a **MOTION** was made by Commissioner Hagey and supported by Commissioner Raukar to approve the request for a variance to Rules 920(1)(c) and 920(2), pursuant to Section R125.2318(5) of 1987 PA 96, as amended, MCL 125.2318(5), thereby allowing Applicant to utilize an existing egress road at the end of the proposed entrance road as an alternative to constructing a turnaround at the end of the entrance road; and thereby allowing Applicant to reduce the width of the community entrance to 28 feet, with only one entrance and one exit lane, as an alternative to the standard 33 feet wide entrance. This approval is subject to the condition that expansion of the community beyond the currently proposed 8 sites shall require that the entrance be brought into compliance with the standards of Rule 920(2) of the Code. **MOTION CARRIED.**

****Addendum 4

Whispering Oaks Mobile Home Park (Roscommon County)

Mr. Thom was present to represent the community.

Mr. Bakker reviewed the request.

After discussion, a **MOTION** was made by Commissioner Leduc and supported by Commissioner Hagey to approve the request for a variance to Rules 941(1)(a) and 941(1)(g), pursuant to Section R125.2318(5) of 1987 PA 96, as amended, MCL 125.2318(5), thereby allowing Applicant to install a new home on Lot 222 within 17 feet of the existing addition on the home on Lot 220 and within 9 feet of the existing detached shed on Lot 220. This approval is subject to the condition that any replacement of the home or attached structure or detached shed on Lot 220 be sited in compliance with the distance and setback requirements of Rules 941(1)(a) and 941(1)(g) of the Code.

MOTION CARRIED.

****Addendum 5

8. COMMITTEE REPORTS

There were no committee reports made. Mr. Lehman did report that the Bureau received a request for an ordinance review that came in too late to put before the Commission today. This particular ordinance was for rental inspections. As you are aware, last year there was an amendment to the Mobile Home Commission Act (the law) adding Section 7(7) which prescribes to the municipality how they must create an ordinance to establish procedures for safety inspections within manufactured home communities. In this case, the municipality that submitted the proposed ordinance to us has acknowledged that they do not comply with Section 7(7) of the law. Bureau staff has had a conference call with the Attorney General's office regarding this, and we will be responding to the applicant basically telling them that under staff review their ordinance does not comply with Section 7(7) of the law; therefore it will not be sent on to the Commission for review. Mr. Lehman just wanted the Commission to be aware of this.

Section 7(7) very clearly lays out a lot of the conditions that a municipality must do, and if they do those things and adopt a new ordinance they do not have to come before the Commission for approval. In this case, this ordinance would appear to be missing about 5 of the points already from the beginning. So we will be notifying the municipality shortly regarding this.

9. UNFINISHED BUSINESS

There was no unfinished business to discuss.

10. **NEW BUSINESS**

Report on Annual Inspections of Manufactured Home Communities

Mr. Lehman reported that the 2011 annual inspection reports were just distributed to the inspectors at the end of January, so the inspections have just started. The inspection report was revised this year. A copy of the proposed revised report was emailed to all of you previously, and we did not receive any feedback from anyone so we went ahead with the changes.

License Approval

After discussion, a **MOTION** was made by Commissioner Raukar and supported by Commissioner Leduc to approve all pending licenses. Commissioner Elliott abstained. **MOTION CARRIED.**

***Addendum 6

11. **EXECUTIVE DIRECTOR'S REPORT**

Mr. Lehman reported that the 2009 Michigan Building, Residential, Rehabilitation, and Uniform Energy Codes will go into effect in the state of Michigan on March 9, 2011. We are already starting to get lots of questions regarding the new codes.

Mr. Lehman also acknowledged that Beth Aben is retiring from the Bureau effective March 31, 2011, so this will be her last Manufactured Housing Commission meeting. She has done an excellent job as Deputy Director and it will be hard to fill her shoes. She will be dearly missed, but we wish her the best of everything in her retirement!

Chairperson Blank added that Beth Aben has been with the State of Michigan for 35 years and with the Bureau of Construction Codes for the last 21 years. He thanked Beth for the amount of time and effort she has spent over the years listening and working with residents of our communities on various issues, showing them that she cares and that the Mobile Home Commission Act is there to help and protect them. We have all certainly enjoyed working with Beth and will miss her very much!

Mr. Lehman mentioned that the BCC held a joint training with the Code Officials Conference of Michigan (COCM) on January 25-26, 2011, at Celebration Cinema in Lansing, Michigan, for building, electrical, mechanical and plumbing inspectors and designers. There were over 400 people in attendance and was extremely successful.

MMHA has submitted to the Bureau a "Frequently Asked Questions" handout of approximately 25 questions that they have put together of issues from the industry. Staff is currently working on the answers to the questions, and we hope to have it available by the next Commission meeting. It will be a joint publication that will be posted on both the BCC and MMHA's websites. Mr. DeWitt indicated that it should tie-in very nicely with the classes they give for the Installers/Serviceers.

Mr. Lehman mentioned that we have two new staff members working on manufactured housing complaints; Tracie Pack and Gerrit Bakker. We are fortunate they both came from what used to be the Manufactured Housing Division, so they do have some background and history of the industry. They are both working very hard and doing an excellent job, and he feels the industry will be well served by them.

12. **OTHER BUSINESS**

Commissioner Hennard indicated that after the last Commission meeting, Mr. Lehman and Ms. Aben were going to have a conversation regarding rogue manufactured housing salespeople and how to address the issue, and he just wondered if they had discussed it yet?

Mr. Lehman stated that they did discuss the issue and the answer has not changed. Regardless if they are licensed or unlicensed, the Mobile Home Commission Act and Rules would be applicable. That being said, the enforcement of it is ultimately going to be sent to the County prosecutor because we are now looking at the enforcement of an unlicensed profession, whether it is a residential builder, retailer, etc. Now can we receive the complaint and forward the request on? Absolutely, and at the utmost if the County Prosecutor refuses to investigate it or take up the case we can take it to the State Attorney General. It is not a given whether or not they would take it up, but we could then go there for advice, consultation, etc., at that point in time. But that is how it would work.

Mr. Lehman pointed out that there is not a spot on the building permit application for the sales of a manufactured home, a stick built home, or anything else. That is generally not part of the building inspector's venue. That being said, if a building inspector has knowledge that someone is violating any state license function, should they react to it? The answer is "yes." Now their reaction may be to send the complaint to the agency that issues the license or they may send it directly to their County Prosecutor. But if a building inspector (or anyone that is in a legal office) has knowledge or becomes aware of unlicensed activity or that a State or Federal law is being violated, then they have the responsibility to do something with it. So a lot of it is going to go back to the County Prosecutor for the administration of it because it is a State law that was violated.

Ms. Aben mentioned that there were 14 retirements from the Bureau, and we have been given direction that it will be a 1 for 2 on the position replacements. So we have filled some positions and are still working at some others, and we are hopeful that we can maneuver some things in whatever way we need to assure that we continue to provide the service. We do have some new managers in the Bureau. Mark Moore was appointed to Assistant Chief in the Boiler Division; and in the Mechanical Division, Kevin Kalakay was appointed to Chief, and Jon Paradine was appointed to Assistant Chief.

The Bureau received an email this morning that an announcement will be made later today giving the Governor's appointment of the new DELEG Director, and along with that message it indicated that there will be a reorganization of DELEG as well. So stay tuned for further information.

Ms. Aben thanked everyone for their kind words and stated that it was truly her honor and privilege to serve the State of Michigan for 35 years. She plans to spend some quality time with her daughter who will be starting college in the Fall.

13. **ADJOURNMENT**

At 11:33 a.m., a **MOTION** was made by Commissioner Raukar and supported by Commissioner Leduc to adjourn the meeting. **MOTION CARRIED.**



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

ANDREW S. LEVIN
ACTING DIRECTOR

MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan

AGENDA
February 16, 2011
10:00 a.m.

APPROVED

1. Call to Order and Determination of Quorum
2. Approval of Agenda (Pages 1-2)
3. Approval of Minutes — December 15, 2010 (Pages 3-29)
4. Manufactured Housing Commission Fees Financial Report (Page 30)
5. Public Comment [If issues are raised during public comment which require a response, the Commission's Executive Director will respond and Commissioners who wish to comment will make their comments after the Executive Director's response. The Commission will not allow public comment about the substance of open or closed complaints (unless, if regarding a closed complaint, the right to appeal is waived) but will allow public comment about procedural issues related to complaints. Public comment will be limited to 10 minutes for an individual representing an organization and 6 minutes for an individual not representing an organization; the Commission chairperson may grant the individual an additional 10 minutes.]

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A-1
10

6. Imposition of Penalties
 - a. Arbor Village LLC and Terry Winter, Member and Operator
(Pages 31-57) **(Tabled until 4/13/11 Meeting)**
7. Variances
 - a. Hidden River South (Lenawee County) (Pages 58-72)
 - b. Kline Krest Manufactured Housing Community (Ionia County) (Pages 73-80)
 - c. Whispering Oaks Mobile Home Park (Roscommon County) (Pages 81-93)
8. Committee Reports
9. Unfinished Business
10. New Business
 - a. Report on Annual Inspections of Manufactured Home Communities
 - b. License Approval (Page 94)
11. Executive Director's Report
12. Other Business
13. Adjournment



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

ANDREW S. LEVIN
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MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan

MINUTES
December 15, 2010
10:00 a.m.

APPROVED

MEMBERS PRESENT

Mr. Ronald Blank, Chairperson
Mr. David Hagey
Mr. Peter Hennard

Mr. Thomas Leduc
Mr. Mark Raukar
Mr. Jerome Ruggirello

MEMBERS ABSENT

Ms. Brenda Abbey — Excused
Ms. Carole Elliott — Excused
Ms. Patricia Newman — Excused

MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH PERSONNEL
ATTENDING

Ms. Beth Aben, Deputy Director, Bureau of Construction Codes (BCC)
Mr. Larry Lehman, Chief, Building Division, BCC
Mr. Charles Curtis, Asst. Chief, Building Division, BCC
Ms. Brenda Caron, Executive Secretary, Building Division, BCC
Mr. Kevin DeGroat, Regulation Specialist, Building Division, BCC
Ms. Tracie Pack, Departmental Analyst, Building Division, BCC
Mr. Todd Cordill, Chief, Plan Review Division, BCC
Ms. LeeAnn Allaire, Departmental Analyst, Office of Management Services (OMS), BCC

OTHERS IN ATTENDANCE

Mr. Tim DeWitt — MMHA
Mr. Chris Kind — United Services & Associates
Mr. Rodney Leon — Attorney for Caton Valley, L.L.C.
Mr. Jerome Mocerri — Shelby Forest Assoc.

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A-2
12

Signatures

Drafted by: Brenda S. Caron Date: December 28, 2010
Brenda S. Caron, Secretary
Building Division

Approved by the Manufactured Housing Commission on:

February 16, 2011

Ronald A. Blank
Ronald A. Blank, Chairperson
Manufactured Housing Commission

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

MADISON BDC, LLC, D/B/A HIDDEN RIVER SOUTH (Lenawee County)
MHC License No. 1201194 / Plan Review Division Project No. 96018

c/o Mr. Michael Bertakis, V.P. of Construction
Bertakis Development Inc.
30695 Little Mack Avenue, Suite 100
Roseville, Michigan 48066

(Applicant)

Issued and entered
this 28th day of February, 2011
by Ronald A. Blank, Chairperson

ORDER GRANTING VARIANCE

PROCEDURAL HISTORY

On December 10, 2010, the above named Applicant requested a variance from the 10-year time limit on construction permits imposed by Rule 905(5) of the Manufactured Housing Rules (the "Code"), MAC R 125.1905(5), for this partially completed 344-site development in Lenawee County (the "Request"). The permit to construct for this development was first issued on December 17, 1997.

On February 16, 2011, a hearing was held on this Request before the Manufactured Housing Commission (the "Commission"). The Commission heard testimony from Michael Bertakis regarding the Applicant's justification for this Request, as well as testimony from the Bureau of Construction Codes regarding its technical review of the Request.

ORDER GRANTING VARIANCE
MADISON BDC, LLC, D/B/A HIDDEN RIVER SOUTH

FINDINGS OF FACT

Based on the evidence presented at the hearing, the Commission finds that the literal application of the time limit on the construction permit imposed by Rule 905(5) of the Code, MAC R 125.1905(5), for this partially completed 344-site development in Lenawee County would result in an exceptional practical difficulty to the Applicant, but is neither so general nor recurrent in nature as to make an amendment of the Code with respect to the condition reasonably practical or desirable.

CONCLUSION OF LAW

An exceptional practical difficulty in the literal application of a substantive requirement of the Code constitutes grounds under Section 18 of the Mobile Home Commission Act, MCL 125.2318, for the Commission to grant a specific variance to a requirement of the Code.

DECISION

NOW THEREFORE, IT IS ORDERED that the Request for a specific variance from the 10-year time limit of Rule 905(5) of the Code is hereby GRANTED in the amount of five (5) additional years, thereby extending Permit to Construct No. 96018 until December 17, 2012.

By:



MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

Date: 2-28, 2011

ORDER GRANTING VARIANCE
MADISON BDC, LLC, D/B/A HIDDEN RIVER SOUTH

A Copy of this Variance was sent by First Class Mail to:

Madison BDC, LLC, d/b/a Hidden River South
c/o Mr. Michael Bertakis, V.P. of Construction
Bertakis Development Inc.
30695 Little Mack Avenue, Suite 100
Roseville, Michigan 48066

A Copy of this Variance was sent by Interdepartmental Mail to:

Larry Lehman, Chief
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Todd Cordill, Chief
Plan Review Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

KLINE KREST MANUFACTURED HOUSING COMMUNITY (Ionia County)
MHC License No. (None) / Plan Review Division Project No. 95918

c/o Mr. Larry E. Kline, Operator
1067 Somers Road
Ionia, Michigan 48846

(Applicant)

Issued and entered
this 28th day of February, 2011
by Ronald A. Blank, Chairperson

ORDER GRANTING VARIANCE

PROCEDURAL HISTORY

On November 19, 2010, the above named Applicant requested two variances from (i) the dead end internal road configuration construction standards imposed by Rule 920(1)(c) of the Manufactured Housing Rules (the "Code"), MAC R 125.1920(1)(c), and from (ii) the entrance road construction standards imposed by Rule 920(2) of the Code, MAC R 125.1920(2), for this proposed 8-site development in Ionia County (the "Request"). The permit to construct for this development has not yet been issued by the Bureau of Construction Codes.

On February 16, 2011, a hearing was held on this Request before the Manufactured Housing Commission (the "Commission"). The Commission heard testimony from Boss Engineering's John Fiero and from Larry Kline, the developer, regarding the Applicant's justification for this Request, as well as testimony from the Bureau of Construction Codes regarding its technical review of the Request.

FINDINGS OF FACT

Based on the evidence presented at the hearing, the Commission finds that the literal application of the construction standards imposed by Rules 920(1)(c) and 920(2) of the Code, MAC R 125.1920(1)(c)

ORDER GRANTING VARIANCE
KLINE KREST MANUFACTURED HOUSING COMMUNITY

and R 125.1920(2), for this proposed and yet-to-be constructed 8-site development in Ionia County would result in an exceptional practical difficulty to the Applicant, but is neither so general nor recurrent in nature as to make an amendment of the Code with respect to the condition reasonably practical or desirable.

CONCLUSION OF LAW

An exceptional practical difficulty in the literal application of a substantive requirement of the Code constitutes grounds under Section 18 of the Mobile Home Commission Act, MCL 125.2318, for the Commission to grant a specific variance to a substantive requirement of the Code.

DECISION

IT IS THEREFORE ORDERED that the Request for a specific variance from the construction standards of Rule 920(1)(c) of the Code is hereby GRANTED, thereby allowing Applicant to utilize an existing restricted egress road at the end of the proposed entrance road as an alternative to constructing a turnaround at the end of the entrance road; and

IT IS FINALLY ORDERED that the Request for a specific variance from the construction standards of Rule 920(2) of the Code is also hereby CONDITIONALLY GRANTED, thereby allowing Applicant to reduce the width of the community entrance to 28 feet, with only one entrance and one exit lane, as an alternative to the standard 33 feet wide entrance, subject to the CONDITION that expansion of Applicant's community beyond the currently proposed 8-sites shall require that the entrance be brought into compliance with the standards of Rule 920(2) of the Code.

By:



MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

Date: 2-28, 2011

ORDER GRANTING VARIANCE
KLINE KREST MANUFACTURED HOUSING COMMUNITY

A Copy of this Variance was sent by First Class Mail to:

Kline Krest MHC
c/o Mr. Larry E. Kline, Operator
1067 Somers Road
Ionia, Michigan 48846

A Copy of this Variance was sent by Interdepartmental Mail to:

Larry Lehman, Chief
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Todd Cordill, Chief
Plan Review Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

OAKWOOD SHORES, INC. D/B/A WHISPERING OAKS MHP (Roscommon County)
MHC License No. 1200837 / Plan Review Division Project No. (none)

c/o Mr. Daniel C. Thom, President/Operator
Oakwood Shores, Inc., d/b/a Whispering Oaks MHP
418 Shayne Circle, P.O. Box 38
Houghton Lake, Michigan 48629-0038

(Applicant)

Issued and entered
this 20th day of February, 2011
by Ronald A. Blank, Chairperson

ORDER GRANTING VARIANCE

PROCEDURAL HISTORY

On January 10, 2011, the above named Applicant requested two variances from (i) the required distance of 20 feet between homes imposed by Rule 941(1)(a) of the Manufactured Housing Rules (the "Code"), MAC R 125.1941(1)(a), and from (ii) the required distance of 10 feet between a detached shed and an adjacent home imposed by Rule 941(1)(g) of the Code, MAC R 125.1941(1)(g), for this existing 26-site development in Roscommon County (the "Request").

On February 16, 2011, a hearing was held on this Request before the Manufactured Housing Commission (the "Commission"). The Commission heard testimony from Daniel Thom, President and Operator of the Applicant, regarding the Applicant's justification for this Request, as well as testimony from the Bureau of Construction Codes regarding its technical review of the Request.

FINDINGS OF FACT

Based on the evidence presented at the hearing, the Commission finds that the literal application of the construction standards imposed by Rules 941(1)(a) and 941(1)(g) of the Code, MAC R

ORDER GRANTING VARIANCE
OAKWOOD SHORES, INC. D/B/A WHISPERING OAKS MHP

125.1941(1)(a) and R 125.1941(1)(g), for this existing 26-site development in Roscommon County would result in an exceptional practical difficulty to the Applicant, but is neither so general nor recurrent in nature as to make an amendment of the Code with respect to the condition reasonably practical or desirable.

CONCLUSION OF LAW

An exceptional practical difficulty in the literal application of a substantive requirement of the Code constitutes grounds under Section 18 of the Mobile Home Commission Act, MCL 125.2318, for the Commission to grant a specific variance to a substantive requirement of the Code.

DECISION

NOW THEREFORE, IT IS ORDERED that the Request for a specific variance from the minimum distances of Rule 941(1)(a) of the Code is hereby CONDITIONALLY GRANTED, thereby allowing Applicant to install a new home on Lot 222 within 17 feet of the existing addition on the home on Lot 220, subject to the CONDITION that any replacement of the home or attached structure on Lot 220 be sited in compliance with the distance and setback requirements of Rule 941(1)(a) of the Code.

IT IS FINALLY ORDERED that the Request for a specific variance from the minimum distances of Rule 941(1)(g) of the Code is also hereby CONDITIONALLY GRANTED, thereby allowing Applicant to install a new home on Lot 222 within 9 feet of the existing detached shed on Lot 220, subject to the CONDITION that any replacement of the detached shed on Lot 220 be sited in compliance with the distance and setback requirements of Rule 941(1)(g) of the Code.

By:


MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

Date: 2-28, 2011

ORDER GRANTING VARIANCE
OAKWOOD SHORES, INC. D/B/A WHISPERING OAKS MHP

A Copy of this Variance was sent by First Class Mail to:

Mr. Daniel C. Thom, President/Operator
Oakwood Shores, Inc., d/b/a Whispering Oaks MHP
418 Shayne Circle, P.O. Box 38
Houghton Lake, Michigan 48629-0038

A Copy of this Variance was sent by Interdepartmental Mail to:

Larry Lehman, Chief
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Todd Cordill, Chief
Plan Review Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

PENDING LICENSE APPROVALS
FEBRUARY 16, 2011 – MANUFACTURED HOUSING COMMISSION

INSTALLER/SERVICER	RETAILER
Cary Grayvold Pro Mobile 175 Bancroft Imlay City, MI 48444	
Charles Browning 2500 Holmes Road, Lot 521 Ypsilanti, MI 48198	

**ADDITIONAL PENDING LICENSE APPROVALS
FEBRUARY 16, 2011 – MANUFACTURED HOUSING COMMISSION**

INSTALLER/SERVICER	RETAILER
Kyle Rivera 479 N. Main Allegan, MI 49010	Repocast.com Inc. 601 Gordon Industrial Court Byron Center, MI 49315 Sidney L. Miedema, Operator
Moceri Residential Services LLC 46216 Chadsworth Drive Macomb, MI 48044 Dominic M. Moceri, Operator	
RBD Services LLC 2280 Grass Lake Road West Branch, MI 48661 Dean F. Spencer, Operator	
Sunrise Homes Company Inc. 32625 Buff Street New Haven, MI 48048 John H. Tucker, Operator	
L A Group LLC (See Attachments) 2500 Holmes Road, Unit 204 Ypsilanti, MI 48198 Gerald Burton, Operator	



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

ANDREW S. LEVIN
ACTING DIRECTOR

February 10, 2011

Mr. Gerald E. Burton, Operator
L A Group LLC
P.O. Box 250961
West Bloomfield, MI 48325

RE: Application for Manufactured Home Installer and Servicer License

Dear Mr. Burton:

Our office is in receipt of your application for an installer and servicer license. A review of the Bureau of Construction Codes' records indicate you previously held a Manufactured Housing Community License which was revoked effective August 16, 2004, and a civil fine of \$10,000.00 was imposed which (according to the Department of Treasury's records) was paid/collected in full in October 2007.

Due to your previous revocation of a license, we are presenting your application for individual review to the Manufactured Housing Commission at their next meeting to be held at 10:00 a.m. on Wednesday, February 16, 2011, at 2501 Woodlake Circle, Okemos, Michigan 48864 in the 1st floor Conference Room 3. You are welcome to attend the meeting and to speak regarding your license application with the Commission.

If you have any questions, please feel free to contact our office at (517) 241-9317.

Sincerely,

Larry Lehman, Chief
Building Division

LL/bsc

cc: Deb Norris, Building Division

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P.O. BOX 30254 • LANSING, MICHIGAN 48909
Telephone (517) 241-9317 • Fax (517) 241-9308
www.michigan.gov/dleg

**Application for Manufactured Home Retailer License
or Manufactured Home Installer and Servicer License**
Michigan Department of Energy, Labor & Economic Growth
Bureau of Construction Codes / Building Division
P.O. Box 30255, Lansing, MI 48909
517-241-9317
www.michigan.gov/bcc

15/16

FOR OFFICE USE ONLY

LICENSE NUMBER
DATE ISSUED
FEE Retailer (15) Installer/Servicer (16)

Authority: 1987 PA 96 Completion: Voluntary Penalty: Failure to complete may result in denial of application	DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.
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Instructions

- Complete application. Type or print in ink.
- Failure to accurately complete the form may be reason for denial.
- Be sure to sign application.
- Make check or money order payable to the State of Michigan.
- Mail application and payment to the address listed above.

Indicate what type license you are applying for:

- ☐ Manufactured Home Retailer License or Additional Location - Fee \$450.00 (15)
The license covers selling, leasing, renting, or exchanging (including brokering) manufactured homes
- ☐ Manufactured Home Installer/Servicer License - Fee ~~\$150.00~~ (16) *100.00 fee pro-rated dm*
This license covers the installation, uninstalling or servicing of manufactured homes
- ☐ Transfer of Existing License - Fee \$450.00 for Retailers and \$150.00 for Installer/Servicers
Current license number _____
- ☐ Changes to Original Application - No fee required. Complete sections 1, 2, 3, and 4. Sign the application. If there are changes to section 4, complete sections 5-8.

1.	BUSINESS TRUE NAME		ASSUMED NAME		
	Gerald Burton		L A Group LLC		
2.	BUSINESS TELEPHONE NUMBER (Include Area Code)		E-MAIL ADDRESS		
	248-855-5087				
2.	BUSINESS LOCATION - STREET ADDRESS	CITY	COUNTY	STATE	ZIP CODE
	2500 Holmes Road unit 204	Ypsilanti Twp	Washtenaw	Michigan	48198
2.	BUSINESS MAILING ADDRESS (if different than above)	CITY	COUNTY	STATE	ZIP CODE
	PO Box 250961	W. Bloomfield	Oakland	Michigan	48325
3.	CHECK ONE				
	If you are filing your application as a Corporation, Limited Liability Company, Limited Partnership or Limited Liability Partnership furnish this office with the number assigned to you by the Michigan Department of Energy, Labor and Economic Growth, Bureau of Commercial Services, Corporation Division.				
	<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> Limited Partnership Number _____	<input type="checkbox"/> Corporation Number _____		
	<input type="checkbox"/> Partnership	<input type="checkbox"/> Limited Liability Partnership Number _____	<input checked="" type="checkbox"/> Limited Liability Company Number <u>D4190N</u>		
3.	<input type="checkbox"/> Other Type _____				

26

List name(s) of sole proprietor, partners, corporate officers and directors or LLC members or managers. Mark partners as Limited or General (LP or GP). Give residence address; attach additional sheet(s) if necessary.

4.	NAME (Last, First, Middle Initial) Burton, Gerald E.		BIRTH DATE (MO / DAY / YEAR) [REDACTED]	SOCIAL SECURITY NUMBER *
	STREET ADDRESS [REDACTED]		CITY [REDACTED]	STATE [REDACTED]
	NAME (Last, First, Middle Initial)		BIRTH DATE (MO / DAY / YEAR)	SOCIAL SECURITY NUMBER *
	STREET ADDRESS		CITY	STATE
5.	NAME (Last, First, Middle Initial)		BIRTH DATE (MO / DAY / YEAR)	SOCIAL SECURITY NUMBER *
	STREET ADDRESS		CITY	STATE
	NAME (Last, First, Middle Initial)		BIRTH DATE (MO / DAY / YEAR)	SOCIAL SECURITY NUMBER *
	STREET ADDRESS		CITY	STATE
NAME OF OPERATOR (must be a corporate officer, general partner, sole proprietor, or member or manager of LLC)		BIRTH DATE (MO / DAY / YEAR)	TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY	STATE	

6. Installer/servicer license: List the date and location that the operator completed Commission and Department approved installation instruction during this licensing cycle.

Date January 6, 2011 Location 2222 Association Drive, Okemos, Mi.

7. Have any of the individuals listed in No. 4 ever been, in this or any other state, refused the issuance of a license for a manufactured home business or been holders of this type of a license which was revoked or suspended? If "Yes", give complete details. (Attach additional sheet(s) if necessary.)

☒ Yes

☐ No

I owned a mobile home park in Dewitt The license was revoked or suspended. The Park was subsequently sold to the major shopping center developer next door, who mounted a campaign against the park do to the negative impact on the center.

8. Have any of the individuals listed in No. 4, or any individual associated with this license application, within the past 10 years, been convicted of a violation or the subject of an administrative order or civil judgment as a result of a violation of the Mobile Home Commission Act; a statute regulating the offering of securities or franchises, or licensing or regulating builders, real estate brokers or real estate salespersons; or 1972 PA 286 (Land Sale Act)? If "Yes", give complete details. (Attach additional sheet(s) if necessary.)

☐ Yes

☒ No

*This information is confidential. Disclosure of confidential information is protected by the Federal Privacy Act.

The statements contained in this foregoing application are true and I, as operator (sole proprietor, general partner, corporate officer or LLC member or manager), have authority to sign this application and to make the statements contained herein. Any misleading, incomplete or false statement shall be grounds for denial of this application.

I stipulate and agree any legal process affecting the business, served on the Manufactured Housing Commission shall have the same effect as if personally served on me and all other general partners or corporate officers of this business, if any. I further agree this appointment shall remain in force as long as any liability of this business shall remain outstanding within the State of Michigan.

Gerald E. Burton

(Typed or Printed Name)

Gerald E. Burton

(Signature of Operator Required)

member

(Title)

1/19/11

(Date)

Note: If the information contained in a record filed with the Department is or becomes inaccurate or incomplete in any material respect, the licensee shall file a correcting amendment within 30 days.